

1975 WL 29160 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 29, 1975

*1 A County Medical Examiner may conclude that a person is dead, upon a thorough investigation and upon reliable information, without actually viewing the body.

TO: Kenneth Chue
Coroner
County of Charleston

Question Presented:

Can a County Medical Examiner reach a conclusion over the telephone that a person is dead without examination by a physician?

Statutes, Cases, etc., Involved:

S. C. Code § 17-166

Discussion of Issue:

The question involved in your letter was whether the County Medical Examiner can reach a conclusion over the telephone that a person is dead without examination by a physician.

The South Carolina Code § 17-166 states that,
When any person shall die unattended by a physician . . . it shall be the duty of anyone with knowledge of such death to notify the County Medical Examiner. . . . The County Medical Examiner shall make immediate inquiry into the cause and manner of death.

The statute did not go so far as to require that the examiner had to view each body, or that a physician had to do this. The Medical Examiner here based his conclusion on the report of the Emergency Medical Squad who checked vital signs with its equipment and found Harry Murray dead, and also on the opinion of the policeman who checked for life at the police station and came to the same conclusion.

An Attorney General Opinion, dated October 21, 1974, stated that the Medical Examiner is not limited to laboratory post-mortem examination to determine cause of death, as far as the facts in this incident are concerned. It seems reasonable for a Medical Examiner to base his conclusion upon reports of the Emergency Medical Squad and police.

Conclusion:

In this particular fact situation, where there was no question of foul play, and where the body was examined both by the Emergency Medical Squad and the police, the County Medical Examiner was reasonable in his conclusion that Harry Leon Murray was dead.

A. Camden Lewis
Assistant Attorney General

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